



**P&I ASSOCIATES (PTY) LTD**  
**NOTE ON BUNKERING OF VESSELS ON**  
**THE SOUTH AFRICAN COAST**

The general position in South Africa is that it is illegal for any person to conduct bunker or oil cargo transfer operations outside a harbour or fishing harbour of the Republic of South Africa. Permission was only ever granted by The South African Maritime Safety Authority (SAMSA) in cases of marine emergencies or pursuant to an Order from SAMSA to remove pollutants from a casualty so has to limit the risk of pollution from that casualty. SAMSA has been under commercial pressure to allow the commercial bunkering of vessels on the South African coast and in this regard, whilst the Marine Notice covers the whole of the Republic of South Africa, SAMSA have identified Algoa Bay, Port Elizabeth as a safe place to bunker a vessel outside a harbour or fishing harbour of the Republic of South Africa. We have now been advised that there are a number of vessels scheduled to bunker off Port Elizabeth and it is now important that clubs and owners are aware of the requirements in South Africa as there is a P&I element.

SAMSA have therefore issued Marine Notice no 3 of 2016 which sets out the requirements in order to carry out a bunker transfer operation outside a harbour or fishing harbour of the Republic of South Africa or an Oil Cargo Transfer outside or inside a harbour or fishing harbour of the Republic of South Africa.

The Marine Notice was issued on the 21<sup>st</sup> January 2016 but it has not received any recognition until recently when applications began to flow into SAMSA requesting their permission to carry out off shore bunkering operations.

The Marine Notice sets out the procedure and requirements in order to apply for permission from SAMSA to carry out the above operations.

The following points should be noted.

1. All vessels are required to comply with the requirements as set out in MARPOL and SOLAS.
2. The general position in South Africa is that it is illegal for any person to conduct bunker or oil cargo transfer operations outside a harbour or fishing harbour of the Republic of South Africa or to transfer any prescribed harmful substance from any ship, tanker or off shore installation so therefore, in order to carry out the above operation permission must be sought from SAMSA and in giving its permission for the above operation SAMSA may impose any conditions which SAMSA feel are necessary in order to carry out the operation. These conditions may include the obligation to obtain the services of one or more tugs, spray boats or other vessels to stand by for a period to be determined by SAMSA.
3. SAMSA will only accept at face value, classification societies that are members of **IACS** and **P&I Clubs** that are members of the International Group of P&I Clubs. P&I Clubs which are fixed premium clubs will not be accepted at face value and will have to be investigated first, before being approved or accepted.

### **SAMSA Requirements**

A written application requesting permission to undertake a ship to ship transfer outside a port should be lodged, at least five working days before the transfer is to take place, with the Principle Officer at the port nearest to the proposed place of transfer.

The request should contain as least the following particulars:

- Letter of application must contain compelling reasons of why the bunker transfer cannot take place inside the port
- Details of the ship supplying and the ship receiving the bunkers or oil cargo e.g. names, ports of registry,
- IMO number, official number, classification society, gross registered tons and drafts;
- Their owners, agents or local operator with full contact details;
- The type and quantity of oil to be transferred;
- The quantity of oil to supply must be locally procured in case of bunker transfers;

Other requirements;

1. Levies will be charged for both ships unless proof of payment to TNPA is submitted;

2. The position, date and estimated duration of transfer;
3. **Names and local addresses of the P&I Clubs with which the ships are entered, with full contact details;**
4. **Proof that the P&I Clubs cover ship to ship transfer operations at sea and wreck removal;**
5. Names of the master or person of the ship supplying the bunkers who is specifically appointed to conduct the approach, docking and undocking (if necessary) of the two ships and co-ordinate, conduct and supervise the transfer;
6. Extracts from the “Shipboard Oil Pollution Emergency Plan” of both ships showing the on board procedures in the case of an accidental spill during a transfer operation.
7. The list of equipment on board both ships for combating and cleaning up an oil spill;
8. Proof that the transfer hoses have been pressure tested in the preceding 12 months;
9. No crew changes, loading /discharging of spares, victualing are allowed during a STS transfer;
10. Details of the procedure to terminate the operation in the event of an emergency;
11. The docking of the two ships (if necessary), the connecting of hoses and the commencement of transfer must take place during daylight hours;
12. Any emergency resulting in a spill or threatening to cause a spill must be brought to the attention of the nearest Principal Officer as soon as possible;
13. Both ship’s main engines ready for immediate use during the proposed transfer

SAMSA also has the right to

1. Refuse permission for transfer;
2. Change the proposed position of the transfer operation;
3. Designate representative officer who may board the bunkering ship for the duration of the transfer;
4. Conduct inspections on both ships to ensure compliance with the Act and the Prevention and Combating of Pollution of the sea by Oil regulations, 1984.

It should be noted that any person conducting a bunker transfer operation without approval from the SAMSA is guilty of an offence for which the penalty is a maximum fine of R90 000.00 (ninety thousand rands) or two years imprisonment or both. – See Marine Pollution (Control and Civil Liability) Act No. 6 of 1981.

It is an offence to discharge oil or any harmful substance into the sea area under the jurisdiction of the Republic of South Africa and the penalty for such discharge is a maximum fine of R500 000.00 (five hundred thousand rands) or five years imprisonment or both - See Marine Pollution (Prevention of Pollution from Ships) Act No.2 of 1986.

Copies of the Marine Notices and annexures are attached and should be read in conjunction with this note.

Issued at Durban, 6<sup>th</sup> May 2016 by Michael Heads for P&I Associates (Pty) Ltd